

1 The Honorable James L. Robart  
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UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
SHAWNA REID,  
Defendant.

CASE NO. CR19-117 JLR  
**PLEA AGREEMENT**

The United States of America, by and through Kenneth A. Polite, Jr., Assistant Attorney General, United States Department of Justice, and Matthew Hoff and Christina Taylor, Trial Attorneys with the Organized Crime and Gang Section of the United States Department of Justice, Defendant Shawna Reid and Defendant's attorneys, Michael Nance and Robert Gombiner, enter into the following Plea Agreement, pursuant to Federal Rule of Criminal Procedure 11(c)(1)(A) and (C).

1. **The Charge(s).** Defendant, having been advised of the right to have this matter tried before a jury, agrees to waive that right and enters a plea of guilty to the following charge contained in the Information: Obstruction of Court Orders, in violation of Title 18, United States Code, Section 1509, a Class A misdemeanor.

1 By entering a plea of guilty, Defendant hereby waives all objections to the form of  
2 the charging document. Defendant further understands that before entering any guilty  
3 plea, Defendant will be placed under oath. Any statement given by Defendant under oath  
4 may be used by the United States in a prosecution for perjury or false statement.

5 **2. Elements of the Offense(s).** The elements of the offense to which  
6 Defendant is pleading guilty are as follows:

7 (1) The defendant willfully attempted to prevent, obstruct, impede, or  
8 interfere with;

9 (2) the due exercise of rights or the performance of duties;

10 (3) under any order, judgment, or decree of a court of the United States.

11 **3. The Penalties.** Defendant understands that the statutory penalties  
12 applicable to the offense to which Defendant is pleading guilty are as follows:

13 A maximum term of imprisonment of up to one (1) year, a fine of up to  
14 \$100,000, a period of supervised release of up to one year, and a mandatory  
15 special assessment of \$25.

16 Defendant understands that supervised release is a period of time following  
17 imprisonment during which Defendant will be subject to certain restrictive conditions and  
18 requirements. Defendant further understands that, if supervised release is imposed and  
19 Defendant violates one or more of the conditions or requirements, Defendant could be  
20 returned to prison for all or part of the term of supervised release that was originally  
21 imposed. This could result in Defendant serving a total term of imprisonment greater  
22 than the statutory maximum stated above.

23 Defendant understands that as a part of any sentence, in addition to any term of  
24 imprisonment and/or fine that is imposed, the Court may order Defendant to pay  
25 restitution to any victim of the offense, as required by law.

1      Defendant further understands that the consequences of pleading guilty may  
 2 include the forfeiture of certain property, either as a part of the sentence imposed by the  
 3 Court, or as a result of civil judicial or administrative process.

4      Defendant agrees that any monetary penalty the Court imposes, including the  
 5 special assessment, fine, costs, or restitution, is due and payable immediately and further  
 6 agrees to submit a completed Financial Disclosure Statement as requested by the United  
 7 States Attorney's Office.

8      **4. Immigration Consequences.** Defendant recognizes that pleading guilty  
 9 may have consequences with respect to Defendant's immigration status if Defendant is  
 10 not a citizen of the United States. Under federal law, a broad range of crimes are grounds  
 11 for removal, and some offenses make removal from the United States presumptively  
 12 mandatory. Removal and other immigration consequences are the subject of a separate  
 13 proceeding, and Defendant understands that no one, including Defendant's attorney and  
 14 the Court, can predict with certainty the effect of a guilty plea on immigration status.  
 15 Defendant nevertheless affirms that Defendant wants to plead guilty regardless of any  
 16 immigration consequences that Defendant's guilty plea may entail, even if the  
 17 consequence is Defendant's mandatory removal from the United States.

18      **5. Rights Waived by Pleading Guilty.** Defendant understands that by  
 19 pleading guilty, Defendant knowingly and voluntarily waives the following rights:

20            a.      The right to plead not guilty and to persist in a plea of not guilty;

21            b.      The right to a speedy and public trial before a jury of Defendant's  
 22 peers;

23            c.      The right to the effective assistance of counsel at trial, including, if  
 24 Defendant could not afford an attorney, the right to have the Court appoint one for  
 25 Defendant;

26            d.      The right to be presumed innocent until guilt has been established  
 27 beyond a reasonable doubt at trial;

e. The right to confront and cross-examine witnesses against Defendant at trial;

f. The right to compel or subpoena witnesses to appear on Defendant's behalf at trial;

g. The right to testify or to remain silent at trial, at which trial such silence could not be used against Defendant; and

h. The right to appeal a finding of guilt or any pretrial rulings.

6. **United States Sentencing Guidelines.** Defendant understands and

9 acknowledges that, before accepting the terms of this Plea Agreement, the Court must  
10 consider the sentencing range calculated under the United States Sentencing Guidelines,  
11 and possible departures under the Sentencing Guidelines together with the other factors  
12 set forth in Title 18, United States Code, Section 3553(a), including: (1) the nature and  
13 circumstances of the offense or offenses; (2) the history and characteristics of Defendant;  
14 (3) the need for the sentence to reflect the seriousness of the offense or offenses, to  
15 promote respect for the law, and to provide just punishment for the offense or offenses;  
16 (4) the need for the sentence to afford adequate deterrence to criminal conduct; (5) the  
17 need for the sentence to protect the public from further crimes of Defendant; (6) the need  
18 to provide Defendant with educational and vocational training, medical care, or other  
19 correctional treatment in the most effective manner; (7) the kinds of sentences available;  
20 (8) the need to provide restitution to victims; and (9) the need to avoid unwarranted  
21 sentence disparity among defendants involved in similar conduct who have similar  
22 records. Accordingly, Defendant understands and acknowledges that:

a. The Court will determine Defendant's applicable Sentencing Guidelines range at the time of sentencing;

b. After consideration of the Sentencing Guidelines and the factors in 18 U.S.C. § 3553(a), the Court may impose any sentence authorized by law, up to the maximum term authorized by law; and

c. Except as provided in the paragraph containing the stipulation of the parties pertaining to sentencing, Defendant may not withdraw a guilty plea solely because of the sentence imposed by the Court.

7. **Statement of Facts.** The parties agree on the following facts. Defendant admits Defendant is guilty of the charged offense.

On February 26, 2018, Defendant was ordered, pursuant to an order to compel issued by the United States District Court for the Western District of Washington, to “... give testimony and provide other information which this witness has refused to give or to provide on the basis of this witness’ privilege against self-incrimination, as to all matters about which this witness may be called to testify to the grand jury...” On February 28, 2018, Defendant appeared at the Seattle Federal Courthouse to testify before a federal Grand Jury about prior statements she made to law enforcement regarding her knowledge of an individual being involved in the murder of Thomas Wales, a former Assistant United States Attorney.

During her Grand Jury appearance, Defendant was asked “[i]n your first interview with the FBI, did you respond, yes, when asked if “Suspect #1” was ever involved in a murder?” to which Defendant responded “[t]hat’s what I was told, the second interview when they came back. Apparently, I said yes when I did not mean to.” Later in Defendant’s Grand Jury appearance, the following exchange took place:

Q. In your first interview, did you say to the FBI that "Suspect #1" bragged to you about his involvement in the murder of a, quote, judge or an attorney that lives on top of a hill, end quote?

A. No.

Q. In your first interview, did you say to the FBI that "Suspect #1" bragged that the murder victim was someone of importance like a judge or an attorney general?

A. No.

1      Shortly after the above exchange, the following questions and answers took place:

2            Q.      In your first interview with the FBI, did you say to the FBI that "Suspect  
3      #1" once drove you by the house where the murder occurred and that you remembered  
4      the house had grass, the house was, quote, ginormous, and that the house was possibly in  
5      Seattle?

6            A.      Did I say that?

7            Q.      Did you say that to the FBI in your first interview?

8            A.      I might have said that, but then I might have got things messed up as far as  
9      me selling magazines and then thinking I saw a big house and then, like, maybe he drove  
10     by and said, I - - you know. My quote was he used to work for or he was related to an  
11     attorney general or a judge.

12           Later, during her Grand Jury testimony, Defendant was again asked if she said  
13     "yes" when agents asked her if "Suspect #1" had spoken to her about being involved in a  
14     murder, to which Defendant responded that she did not remember answering their  
15     question with a "yes."

16           Defendant agrees and admits that by providing these contradictory statements to  
17     the Grand Jury regarding what she previously told law enforcement about her knowledge  
18     of an individual being involved in the Wales murder, she willfully attempted to obstruct  
19     and impede the Court's February 26, 2018 order.

20           The parties agree that the Court may consider additional facts contained in the  
21     Presentence Report (subject to standard objections by the parties) and/or that may be  
22     presented by the United States or Defendant at the time of sentencing, and that the factual  
23     statement contained herein is not intended to limit the facts that the parties may present to  
24     the Court at the time of sentencing.

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8. **Sentencing Factors.** The parties agree that the following Sentencing Guidelines provisions apply to this case:

Base Offense Level: 30 (U.S.S.G. §§ 2A1.1(a),  
2J1.2(c)(1), 2X3.1(3)(A))  
Acceptance of Responsibility: -3 (U.S.S.G. § 3E1.1)  
Adjusted Offense Level: 27  
Criminal History Category: I  
Sentencing Guideline Range: 12 months (the statutory maximum for  
the offense of conviction)

The parties agree they are free to present arguments regarding the applicability of all other provisions of the United States Sentencing Guidelines. Defendant understands, however, that at the time of sentencing, the Court is free to reject these stipulated adjustments, and is further free to apply additional downward or upward adjustments in determining Defendant's Sentencing Guidelines range.

9. **Acceptance of Responsibility.** At sentencing, if the Court concludes Defendant qualifies for a downward adjustment acceptance for acceptance of responsibility pursuant to USSG § 3E1.1(a) and Defendant's offense level is 16 or greater, the United States will make the motion necessary to permit the Court to decrease the total offense level by three (3) levels pursuant to USSG §§ 3E1.1(a) and (b), because Defendant has assisted the United States by timely notifying the United States of Defendant's intention to plead guilty, thereby permitting the United States to avoid preparing for trial and permitting the Court to allocate its resources efficiently.

10. **Agreed Sentence Pursuant to Rule 11(c)(1)(C).** Pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, the parties acknowledge and agree that the appropriate sentence of imprisonment to be imposed by the Court at the time of sentencing is: time-served with no additional supervised release to follow. If the sentencing Court rejects the agreement of the parties regarding the appropriate sentence,

1 both Defendant and the United States reserve the right to withdraw from this Plea  
 2 Agreement pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure and  
 3 to proceed to trial. No other agreement has been made regarding the imposition of the  
 4 sentence in this matter, and the parties understand that the Court retains full discretion  
 5 regarding the imposition of fines, forfeiture, or restitution as may be applicable. Except  
 6 as specified above, Defendant understands that Defendant cannot withdraw a guilty plea  
 7 simply because of the sentence imposed by the Court.

8       **11. Non-Prosecution of Additional Offenses.** As part of this Plea Agreement,  
 9 the United States agrees not to prosecute Defendant for any additional offenses arising  
 10 out of Defendant's conduct described in the agreed-to factual basis set forth in paragraph  
 11 7 above, and moves to dismiss the counts in the Indictment at the time of sentencing. In  
 12 this regard, Defendant recognizes the United States has agreed not to prosecute all of the  
 13 criminal charges the evidence establishes were committed by Defendant solely because  
 14 of the promises made by Defendant in this Plea Agreement. Defendant agrees, however,  
 15 that for purposes of preparing the Presentence Report, the United States will provide the  
 16 United States Probation Office with evidence of all conduct committed by Defendant.

17       Defendant agrees that any charges to be dismissed before or at the time of  
 18 sentencing were substantially justified in light of the evidence available to the United  
 19 States, were not vexatious, frivolous or taken in bad faith, and do not provide Defendant  
 20 with a basis for any future claims under the "Hyde Amendment," Pub. L. No. 105-119  
 21 (1997).

22       **12. Breach, Waiver, and Post-Plea Conduct.** Defendant agrees that, if  
 23 Defendant breaches this Plea Agreement, the United States may withdraw from this Plea  
 24 Agreement and Defendant may be prosecuted for all offenses for which the United States  
 25 has evidence. Defendant agrees not to oppose any steps taken by the United States to  
 26 nullify this Plea Agreement, including the filing of a motion to withdraw from the Plea  
 27 Agreement. Defendant also agrees that, if Defendant is in breach of this Plea Agreement,  
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1 Defendant has waived any objection to the re-institution of any charges that previously  
2 were dismissed or any additional charges that had not been prosecuted.

3 Defendant further understands that if, after the date of this Plea Agreement,  
4 Defendant should engage in illegal conduct, or conduct that violates any conditions of  
5 release or the conditions of confinement (examples of which include, but are not limited  
6 to, obstruction of justice, failure to appear for a court proceeding, criminal conduct while  
7 pending sentencing, and false statements to law enforcement agents, the Pretrial Services  
8 Officer, Probation Officer, or Court), the United States is free under this Plea Agreement  
9 to file additional charges against Defendant or to seek a sentence that takes such conduct  
10 into consideration by requesting the Court to apply additional adjustments or  
11 enhancements in its Sentencing Guidelines calculations in order to increase the applicable  
12 advisory Guidelines range, and/or by seeking an upward departure or variance from the  
13 calculated advisory Guidelines range. Under these circumstances, the United States is  
14 free to seek such adjustments, enhancements, departures, and/or variances even if  
15 otherwise precluded by the terms of the Plea Agreement.

16 **13. Waiver of Appellate Rights and Rights to Collateral Attacks.**

17 Defendant acknowledges that, by entering the guilty plea required by this Plea  
18 Agreement, Defendant waives all rights to appeal from Defendant's conviction, and any  
19 pretrial rulings of the Court, and any rulings of the Court made prior to entry of the  
20 judgment of conviction. Defendant further agrees that, provided the Court imposes a  
21 custodial sentence that is within or below the Sentencing Guidelines range (or the  
22 statutory mandatory minimum, if greater than the Guidelines range) as determined by the  
23 Court at the time of sentencing, Defendant waives to the full extent of the law:

24 a. Any right conferred by Title 18, United States Code, Section 3742,  
25 to challenge, on direct appeal, the sentence imposed by the Court, including any fine,  
26 restitution order, probation or supervised release conditions, or forfeiture order (if  
27 applicable); and

b. Any right to bring a collateral attack against the conviction and sentence, including any restitution order imposed, except as it may relate to the effectiveness of legal representation.

This waiver does not preclude Defendant from bringing an appropriate motion pursuant to 28 U.S.C. § 2241, to address the conditions of Defendant's confinement or the decisions of the Bureau of Prisons regarding the execution of Defendant's sentence.

If Defendant breaches this Plea Agreement at any time by appealing or collaterally attacking (except as to effectiveness of legal representation) the conviction or sentence in any way, the United States may prosecute Defendant for any counts, including those with mandatory minimum sentences, that were dismissed or not charged pursuant to this Plea Agreement.

14. **Voluntariness of Plea.** Defendant agrees that Defendant has entered into this Plea Agreement freely and voluntarily, and that no threats or promises were made to induce Defendant to enter a plea of guilty other than the promises contained in this Plea Agreement or set forth on the record at the change of plea hearing in this matter.

15. **Statute of Limitations.** In the event this Plea Agreement is not accepted by the Court for any reason, or Defendant breaches any of the terms of this Plea Agreement, the statute of limitations shall be deemed to have been tolled from the date of the Plea Agreement to: (1) thirty (30) days following the date of non-acceptance of the Plea Agreement by the Court; or (2) thirty (30) days following the date on which a breach of the Plea Agreement by Defendant is discovered by the United States

**16. Completeness of Plea Agreement.** The United States and Defendant acknowledge that these terms constitute the entire Plea Agreement between the parties, except as may be set forth on the record at the change of plea hearing in this matter. This Plea Agreement binds only the Organized Crime and Gang Section of United States Department of Justice (the United States Attorney's Office for the Western District of

1 Washington is recused from this matter). It does not bind any other office, section,  
2 department, or agency of the United States, or any state or local prosecutor.

3 Dated this 23rd day of August, 2021.

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5 /s/ Michael Nance, on behalf of Shawna Reid  
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7 SHAWNA REID  
8 Defendant

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10 /s/ Michael Nance, WSBA #13933  
11 /s/ Robert Gombiner, WSBA #16059  
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13 MICHAEL NANCE  
14 ROBERT GOMBINER  
15 Attorneys for Defendant

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17 *Christina Taylor*  
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